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BROWDY AND NEIMARK

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NO. 9774

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY DKT: VAN EIJK-17

In re application of:

Michael J. T. VAN EIJK

Serial No. 10/560,968

Nat'l Phase Entry: March 19, 2007

DT: MEANS AND METHOD FOR THE DETECTION OF  
TARGET NUCLEOTIDE SEQUENCES USING  
LIGATION ASSAYS WITH IMPROVED  
OLIGONUCLEOTIDE PROBE PAIRS

Confirmation No. 2423

Art Unit: 1637

Examiner: Joyce TUNG

Washington, D.C.

April 12, 2010

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OFFICE OF PETITIONS

## REQUEST FOR SMALL ENTITY STATUS ERROR TO BE EXCUSED

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building, Mail Stop  
401 Dulany Street  
Alexandria, VA 22314

04/14/2010 DALLEN 00000009 10560968

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Sir:

In the present application, status as a small entity was established in good faith and fees as a small entity were paid in good faith. It has recently been discovered that such status as a small entity was established in error. Pursuant to 37 C.F.R. §1.28(c), it is requested that this error be excused as the present communication is in compliance with the separate submission and itemization requirements of paragraphs (c)(1) and (c)(2) of 37 C.F.R. §1.28.

Attached hereto is a form PTO-2038 authorizing the additional charges of \$ .00, which satisfies the deficiency payment requirement as per the following itemization.

The following itemization of the total deficiency payment is provided:

Type of Fee	Current Fee for Non-Small Entity	Small Entity Actually Paid	Date of Payment	Deficiency Owed Amount
Basic	\$330.00	\$150.00	12/16/2005	\$180.00
Search	\$540.00	\$250.00	12/16/2005	\$290.00
Examination	\$220.00	\$100.00	12/16/2005	\$120.00
Extra Claims	\$1,092.00	\$525.00	12/16/2005	\$567.00
Late Declaration	\$130.00	\$ 65.00	03/19/2007	\$ 65.00
1st Extension fee	\$130.00	\$65.00	12/4/2009	\$65.00
Total Owed				\$1,287.00

In re of Appln. No. 10/560,968

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As all of the requirements of 37 C.F.R. §1.28(c) have been complied with, it is requested that this deficiency payment be accepted and that the errors in small entity status previously made be excused.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

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